

MINUTES OF THE TOWN BOARD MEETING OF MAY 22, 2013

PRESENT: Supervisor Teresa Dean
 Council Edward Fairbrother
 Andy Gillette
 Mike Saglibene
 Mike Smith
 Attorney Fredrick Ahrens
 Town Clerk Linda Cross

Supervisor Dean called the Town Board meeting to order at 7:00 p.m. and requested those present to participate in the Pledge of Allegiance.

CONCERNS OF THE PEOPLE - None

MINUTES

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to approve the minutes of April 24, 2013 as presented. All in favor, motion carried.

Councilperson Smith made a motion, seconded by Councilperson Gillette to approve the minutes of May 8, 2013 as presented. All in favor, motion carried.

NEW BUSINESS

RESOLUTION NO. 119-13 ABSTRACT OF AUDITED VOUCHERS APPROVED

Resolution by: Gillette
Seconded by: Saglibene

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for May 2013, vouchers 4002072-4002147 and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 39,133.69
HIGHWAY FUND	\$ 97,605.69
WATER DISTRICT #1	\$ 5,745.11
WATER DISTRICT #2	\$ 4,746.21
WATER DISTRICT #3	\$ 1,589.35
WATER DISTRICT #4	\$ 271.24
LIGHTING DISTRICT	\$ 382.26
TRUST & AGENCY	\$ 3,063.08

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

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RESOLUTION NO. 120-13
2013 COUNTY WIDE STREAM MAINTENANCE PROGRAM WORK APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

WHEREAS the Town of Big Flats passed resolution no. 220-11 entering inter-municipal agreement for countywide stream maintenance program, and

WHEREAS the creek adjacent to Monastery Road is eroding the bank, and

WHEREAS the creek adjacent to Owen Hollow Road is eroding the bank, and

WHEREAS Monastery Creek and Owen Hollow Creek have been identified as projects to be addressed under the countywide stream maintenance program, and

WHEREAS the stack rock will be utilized as a solution to address the erosion, and

WHEREAS the majority of the erosion of Monastery Creek lies within the Town of Southport and a portion of the erosion lies within the Town of Big Flats, and

WHEREAS Owen Hollow Creek is completely in the Town of Big Flats, and

WHEREAS Mark Watts has estimated the material cost for the Town's portion of Monastery Creek and Owen Hollow Creek should not exceed \$25,000, and

WHEREAS the material costs need to be fronted to fund the project with anticipated reimbursement from Empire State Development, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (19) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes funding to Chemung County Soil and Water to purchase materials for the Monastery Creek and Owen Hollow Creek bank stabilization projects at a cost not to exceed \$25,000.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

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RESOLUTION NO. 121-13
MAINTENANCE FEE SCHEDULE APPROVED

Resolution by: Fairbrother
Seconded by: Smith

WHEREAS the Town has utilized the services of Air Temp to provide maintenance for the HVAC systems, and

WHEREAS the Maintenance Agreement has a clause allowing annual price adjustment on each commencement anniversary to reflect increases in labor, material and other costs, and

WHEREAS Air Temp Heating and Air Conditioning, Inc. has initiated a \$12.00 per month increase in the agreement G0425, 5/1/2013 – 4/30/2014, and

WHEREAS for environmental review, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the \$12.00 monthly increase with Air Temp Heating and Air Conditioning, Inc. for the purpose of providing full service maintenance on the HVAC systems for the State Troopers, Post Office and Town Hall at a cost of \$355.00 monthly for 5/1/2013 – 4/30/2014.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 122-13
RIGHT-OF-WAY AND EASEMENT (SEWER AND WATER) APPROVED

Resolution by: Smith
Seconded by: Gillette

WHEREAS a proposed right-of-way and easement agreement (sewer and water) has been negotiated by and between Robert L. Andrew Jr., Ellen Catherine McCloskey, Margaret Jean Giragosian, and Mary Louise Evans (collectively “Grantors”) and Corning Hospital a New York not-for-profit corporation (the “Grantee”), and

WHEREAS said right-of-way and easement have been filed with the Town Clerk, and

WHEREAS the construction of the new Corning Hospital has by Resolution No. 105-13 duly adopted April 24, 2013 been determined to be the public interest to engage in sewer collection and conveying for disposal, and

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RESOLUTION NO. 122-13, RIGHT-OF-WAY AND EASEMENT (SEWER AND WATER)
APPROVED continued

WHEREAS by Resolution No. 117-13 duly adopted May 8, 2013 the Out-of-District User Agreement with Corning Hospital is approved and authorized to be signed subject to County of Chemung approval, now

THEREFORE BE IT RESOLVED, the Town does hereby ratify and approve the right-of-way and easement agreement, and

FURTHER RESOLVED a copy of this resolution and said agreement be forwarded to David F. English, Esq.

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 123-13
2013 ROAD PAVEMENT BID APPROVED

Resolution by: Gillette
Seconded by: Saglibene

WHEREAS a bid advertisement was published in the Elmira Star Gazette and bids were received by May 22, 2013, and

WHEREAS the following Type 6F and Type 3 blacktop bid per ton bids were received:

Chemung Contracting Corp	Type 6F Top	\$	68.00 / Ton
	Type 3 Binder	\$	58.50 / Ton
	Tack Coat	\$	0.12 / Sq Yd
	Milling Roads	\$	1.65 / Cu Yd
	Warm Mix Top	\$	68.00 / Ton
	Warm Mix Binder	\$	58.50 / Ton
Narde Paving Co., Inc.	Type 6F Top	\$	68.00 / Ton
	Type 3 Binder	\$	61.25 / Ton
	Tack Coat	\$	0.15 / Sq Yd
Bothar	Type 6F Top	\$	73.67 / Ton
	Type 3 Binder	\$	66.41 / Ton
	Tack Coat	\$	0.21 / Sq Yd
	Milling Roads	\$	0.51 / Cu Yd
	Warm Mix Top	\$	76.67 / Ton
	Warm Mix Binder	\$	69.41 / Ton, and

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RESOLUTION NO. 123-13, 2013 ROAD PAVEMENT BID APPROVED continued

WHEREAS the Commissioner of Public Works recommends the bid be awarded to Chemung Contracting, and

WHEREAS, for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR Part 617.5 (c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board awards the bid proposal to Chemung Contracting, for the following items:

Type 6F Top	\$	68.00 / Ton
Type 3 Binder	\$	58.50 / Ton
Tack Coat	\$	0.12 / Sq Yd

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

RESOLUTION NO. 124-13
MAY 22, 2013 COMMUNICATIONS LOG APPROVED

Resolution by: Saglibene
Seconded by: Fairbrother

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

May 3, 2013

NYSEG – RE: Natural Gas Emergencies letter and fact sheet. *Referred to: Code Enforcement, Department of Public Works, Community Center, and filed with Town Clerk.*

May 7, 2013

Davenport Forest Oakfield Neighborhood Association – RE: “No Hospital Access” Sign. *Referred to: Department of Public Works, filed with Town Clerk.*

NYS Public Service Commission – RE: Natural Gas Pipeline and Associated Ground Facilities. *Referred to: filed with Town Clerk.*

May 8, 2013

Government Finance Officers Association – RE: Certificate of Conformance Program for Annual Government Annual Financial Reports. *Referred to: filed with Town Clerk.*

Schoeneck & King Attorneys – RE: Bond Land Use, Case Law Update. *Referred to: Code Enforcement, filed with Town Clerk.*

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RESOLUTION NO. 124-13, MAY 22, 2013 COMMUNICATIONS LOG APPROVED
continued

NYS Comptroller – RE: Annual Performance on New York State’s, Industrial Development Agencies. *Referred to: Town Board, filed with Town Clerk.*

May 13, 2013

Big Flats Fire Department – RE: Officers and Board of Directors Update. *Referred to: filed with Town Clerk.*

May 17, 2013

Chemung County Legislature - RE: No Significant Adverse Environmental Impacts associate with the propose expansion of an existing mined use at the Elmira Corning regional Airport, pursuant to the NYS Environmental Quality Review Act. *Referred to: Code Enforcement, filed with Town Clerk.*

CARRIED: AYES: Smith, Fairbrother, Gillette, Saglibene, Dean
NAYS: None

Councilperson Fairbrother made a motion, seconded by Councilperson Smith to adjourn the Town Board meeting at 7:14 p.m. All in favor, motion carried.

Date approved: _____

Linda J. Cross
Town Clerk